

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
OPA-Rosebud Creek Crude E21702 - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region VII

**Subject:** POLREP #12  
Progress  
OPA-Rosebud Creek Crude E21702  
  
Rago, KS  
Latitude: 37.4914160 Longitude: -98.0766360

**To:** Megan Schuette, USEPA

**From:** Daniel O'Crowley, OSC

**Date:** 4/16/2021

**Reporting Period:** 4/15/21

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	Z7FQ	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	
<b>Response Authority:</b>	OPA	<b>Response Type:</b>	Emergency
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	4/2/2021	<b>Start Date:</b>	4/2/2021
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>	E21702	<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

OPA Emergency Response

#### 1.1.2 Site Description

##### 1.1.2.1 Location

The site is located two miles north of Rago, Kingman County, Kansas. The latitude/longitude for the site is 37.491416, -98.076636. Surrounding land use is agricultural, but also includes a number of oil wells and tank batteries.

##### 1.1.2.2 Description of Threat

The spill appears to have originated in or near one of two small stock ponds (Pond 1 & 2) located adjacent to Rosebud Creek. Pond 1 flows into Pond 2 which then flows into Rosebud Creek. Rosebud Creek is a tributary of the Chikaskia River, which is located approximately two miles south of the spill location. A commercial minnow pond (Pond 3) is located approximately 0.75 miles downstream of the spill location. Pond 3 is also used as a livestock drinking water source.

##### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

See Section 2.1.1

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

On March 24, 2021, the operator of an adjacent oil lease, Destiny Services, LLC (operator), discovered the spill. In coordination with the Kansas Corporation Commission (KCC), the operator began installation of straw bale dams along the creek to contain the spill. Once straw bale dams were installed, the operator attempted to recover the oil using a vacuum truck. The operator conducted pressure testing of all oil production lines in the vicinity of the spill and was not able to identify a leak.

On April 1, 2021, the Kansas Corporation Commission (KCC) reported the spill to the National Response

Center (NRC). KCC estimated the spill to be 100 barrels (4,200 gallons). An EPA On-Scene Coordinator (OSC) was deployed to the Site. The OSC observed a significant amount of oil in the two stock ponds and along approximately 0.75 miles of Rosebud Creek. Additionally, due to a heavy rain event that occurred around the time of the spill, significant amounts of oil were observed up the sides of Rosebud Creek. Significant impacts were not noted in Pond 3, or in Rosebud Creek downstream of Pond 3.

The operator has given the following reasons they don't believe their oil production operation is the source of the spill: the oil lines in the area have been pressure tested and there were no drops in pressure; the oil wells in the area only produce 3 barrels/day, much less than has been discharged; and the wells produce light crude and the discharged material is much heavier. The operator also stated they did not have the ability to complete cleanup.

The KCC has identified one abandoned four-inch crude oil pipeline in the vicinity of the spill. KCC is still trying to identify additional abandoned pipelines that may be located in the area.

On April 2, 2021, EPA determined that a fund-lead removal action was appropriate to conduct the cleanup. At this time, the source of the spill is unknown.

### **2.1.2 Response Actions to Date**

From March 24, 2021 to March 31, 2021, the operator estimated they were able to remove 1,345 gallons of oil.

On April 2, 2021, EPA activated START and ERRS.

On April 3, 2021, ERRS began removing oil from Pond 2 using a vacuum truck. An estimated 3,300 gallons of oil/water mixture was removed from Pond 2. Absorbent boom was placed at the inlet of Pond 3, around the outlet pipe in Pond 3, and at a location on Rosebud Creek just upstream of the bridge along SE 110th Avenue.

On April 4, 2021 ERRS continued oil removal from Pond 2 using a vacuum truck. An estimated 4,400 gallons of oil/water mixture was removed from Pond 2.

On April 5, 2021 ERRS continued oil removal from Pond 2 using a vacuum truck. An estimated 1,500 gallons of oil/water mixture was removed from Pond 2.

On April 6, 2021 ERRS continued oil removal from Pond 2 using a vacuum truck. An estimated 5,010 gallons of oil/water mixture was removed from Pond 2. ERRS also began oil removal from Pond 1 using a second vacuum truck. An estimated 190 gallons of oil/water mixture was removed from Pond 1. Additionally, ERRS constructed an underflow dam on Rosebud Creek approximately 0.25 miles downgradient of Pond 2.

On April 7, 2021, ERRS continued oil removal from Pond 1, Pond 2, and Rosebud Creek using three vacuum trucks. Totals for the day were: approximately 1,200 gallons of oil/water mixture was removed from Pond 1; approximately 2,000 gallons of oil/water mixture was removed from Pond 2; and, approximately 1,200 gallons of oil/water mixture was removed from Rosebud Creek. A total of approximately 4,400 gallons of oil was removed from the Site.

On April 8, 2021, ERRS continued oil removal from Pond 1, Pond 2, and Rosebud Creek using three vacuum trucks. Totals for the day were: approximately 1,400 gallons of oil/water mixture was removed from Pond 1; approximately 3,400 gallons of oil/water mixture was removed from Pond 2; and, approximately 800 gallons of oil/water mixture was removed from Rosebud Creek. A total of approximately 5,600 gallons of oil/water mixture was removed from the Site.

On April 9, 2021, ERRS continued oil removal from Pond 1, Pond 2, and Rosebud Creek using three vacuum trucks. Totals for the day were: approximately 1,400 gallons of oil/water mixture was removed from Pond 1; approximately 1,500 gallons of oil/water mixture was removed from Pond 2; and, approximately 1,100 gallons of oil/water mixture was removed from Rosebud Creek. A total of approximately 4,000 gallons of oil/water mixture was removed from the Site. Approximately 9,000 gallons of oil and 18,000 gallons of wastewater was hauled from on-site frac tanks for disposal.

On April 10, 2021, ERRS continued oil removal from Pond 1, Pond 2, and Rosebud Creek using three vacuum trucks. Totals for the day were: approximately 1,200 gallons of oil/water mixture was removed from Pond 1; approximately 1,400 gallons of oil/water mixture was removed from Pond 2; and, approximately 3,650 gallons of oil/water mixture was removed from Rosebud Creek. A total of approximately 7,250 gallons of oil/water mixture was removed from the Site.

On April 11, 2021, ERRS continued oil removal from Pond 1 and Rosebud Creek using three vacuum trucks. Totals for the day were: approximately 1,250 gallons of oil/water mixture was removed from Pond 1; and, approximately 6,400 gallons of oil/water mixture was removed from Rosebud Creek. A total of approximately 7,650 gallons of oil/water mixture was removed from the Site. Pond 2 is drained, and waiting to be excavated.

On April 12, 2021, ERRS removed approximately 6,100 gallons of oil/water mixture from Rosebud Creek using three vacuum trucks. ERRS also began washing the shoreline of Pond 1, and using boom to section off areas of remaining oil. Excavation of oil impacted soil began on Pond 2. Soil is being stockpiled on-site until it can be hauled offsite.

On April 13, 2021, ERRS removed approximately 4,700 gallons of oil/water mixture from Rosebud Creek using two to three vacuum trucks throughout the day. ERRS continued washing and skimming residual oil on Pond 1. Approximately 1,200 gallons of oil/water mixture were removed from Pond 1. Excavation

continued on Pond 2.

On April 14, 2021, approximately 1,600 gallons and 2,850 gallons of oil/water mixture were removed from Pond 1 and Rosebud Creek, respectively. Approximately 2,100 gallons of mostly water was removed from Pond 2 in order to dewater for excavation. Excavation of contaminated soil continued at Pond 2. Approximately 16,810 gallons of wastewater was hauled from on-site frac tanks for disposal.

On April 15, 2021, approximately 3,500 gallons of oil/water mixture was removed from Rosebud Creek. Approximately 800 gallons of oil/water mixture was removed from Pond 1. Small amounts of oil remain in Pond 1; however, a determination was made to focus efforts on removing the remaining masses of oil remaining in Rosebud Creek. The remaining small amount of oil remaining in Pond 1 will be removed at a later date. Three additional underflow dams were constructed as a mitigation measure.

**2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

A PRP has not been identified at this time.

On April 7, 2021, Energy Transfer was on-site to assess and locate an abandoned 4-inch Texaco Trading and Transportation, Incorporated pipeline. The pipeline has been located and does not appear to intersect the spill area.

On April 8, 2021, an OXY USA, LLC (OXY) pipeline marker was identified in the area. OXY USA, LLC was notified and stated they no longer own that pipeline and were looking for information regarding who currently owns it. On April 10, 2021, an OXY representative was on site and working to identify the location of the pipeline. On April 11, 2021, OXY located their pipeline and determined it did not intersect the area of the spill.

Excavation is ongoing in the suspected source area (Pond 2). If a source is determined, EPA will work to identify a PRP.

**2.1.4 Progress Metrics**

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
Oil/Water mixture		25,550 gallons			Staged on-site
Wastewater		34,800 gallons			Underground Injection
Oil		9,000 gallons			Recycled

**2.2 Planning Section**

**2.2.1 Anticipated Activities**

**2.2.1.1 Planned Response Activities**

EPA will continue to conduct cleanup activities at Pond 1, Pond 2, and Rosebud Creek.

**2.2.1.2 Next Steps**

EPA in coordination with KCC will continue to research potential sources that may be located in the vicinity of the spill.

**2.2.2 Issues**

It appears the initial spill estimate of 4,200 gallons was significantly under reported (see 2.1.4). Significant amounts of oil remain in Pond 1, Pond 2, and Rosebud Creek.

**2.3 Logistics Section**

ERRS and START are handling equipment logistics.

**2.4 Finance Section**

**2.4.1 Narrative**

On April 1, 2021, EPA requested \$20,000 from the National Pollution Funds Center (NPFC) to conduct assessment activities. On April 2, 2021, EPA requested a ceiling increase to \$120,000 from the NPFC. On April 3, 2021, EPA requested a ceiling increase to \$200,000 from the NPFC. On April 6, EPA requested a ceiling increase to \$750,000 from the NPFC. On April 7, 2021, the NPFC raised the ceiling to \$750,000. On April 15, 2021, EPA requested a ceiling increase to \$1,000,000 from the NPFC.

**Estimated Costs \***

	<b>Budgeted</b>	<b>Total To Date</b>	<b>Remaining</b>	<b>% Remaining</b>
<b>Extramural Costs</b>				

ERRS - Cleanup Contractor	\$550,000.00	\$240,000.00	\$310,000.00	56.36%
TAT/START	\$40,000.00	\$17,000.00	\$23,000.00	57.50%
<b>Intramural Costs</b>				
USEPA - Direct	\$51,739.00	\$36,000.00	\$15,739.00	30.42%
USEPA - InDirect	\$108,261.00	\$0.00	\$108,261.00	100.00%
<b>Total Site Costs</b>				
	\$750,000.00	\$293,000.00	\$457,000.00	60.93%

\* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

## 2.5 Other Command Staff

No information available at this time.

## 3. Participating Entities

### 3.1 Unified Command

### 3.2 Cooperating Agencies

Kansas Corporation Commission  
Kansas Dept. of Health and Environment  
Kansas Dept. of Wildlife, Parks, and Tourism  
U.S. Coast Guard  
U.S. Fish and Wildlife  
Farm Services Agency

## 4. Personnel On Site

16 ERRS personnel  
1 START personnel  
3 EPA OSCs

## 5. Definition of Terms

No information available at this time.

## 6. Additional sources of information

### 6.1 Internet location of additional information/report

### 6.2 Reporting Schedule

Daily

## 7. Situational Reference Materials

No information available at this time.